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**From:** Allison Castellan - NOAA Federal  
**To:** Wu, Jennifer  
**Sent:** 8/13/2014 5:02:18 PM  
**Subject:** Re: Pls. review: Pesticides draft rationale for OR CZARA

I just sent my full comments to the group and didn't see your email until after I sent. See what you think. I'm not wedded to any of what I suggested so if you have other ideas after talking with Gabriela and Erik, feel free to go with that. Yeah, I'm not that clear on what our actual decision is at this point...still need more discussion amongst the group and mngt team. I revised it as if we wanted to disapprove since that seemed to be a where the rationale was leaning but we may not want to have that hard of a stance and soften the language some. We'll see. Whatever we

## Ex. 5 - Deliberative

On Wed, Aug 13, 2014 at 4:43 PM, Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)> wrote:

Thanks, Allison. I just talked with Gabriela and Erik, too, and also think that reorganizing or putting in subheadings to make the logic flow more readily is a good idea. I thought Jayne's comments about making sure we draw conclusions from the information that's in the rationale is a good idea. Thanks for taking a cut at it, too. I appreciate the edits.

Lastly, this isn't clear in the rationale, but I think the subgroup is leaning towards the stay the course option, which as I see it is like a soft disapproval. (I'm not sure what to call it.) I still need to talk with a couple of more people in the subgroup to see if they agree with that approach.

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**From:** Allison Castellan - NOAA Federal <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)>

**Sent:** Wednesday, August 13, 2014 10:34 AM

**To:** Carvalho, Gabriela

**Cc:** Wu, Jennifer; Henning, Alan; Peterson, Erik; Helder, Dirk; Woodruff, Leigh; Liu, Linda; Carlin, Jayne; Waye, Don; Fleming, Sheila; Allen, Elizabeth

**Subject:** Re: Pls. review: Pesticides draft rationale for OR CZARA

Thanks Gabriela. I think you captured some of what I was thinking as well. Jenny did a great job of getting all of the issues out but I think a little adjustment in how they are organized would help make our arguments even stronger. For example, I think some of the science is buried now and bringing the scientific support for why we are requiring this add MM towards the beginning would be helpful. I'm working on some suggestions to how to reorganize and will share with everyone later this afternoon hopefully.

On Wed, Aug 13, 2014 at 1:22 PM, Carvalho, Gabriela <[Carvalho.gabriela@epa.gov](mailto:Carvalho.gabriela@epa.gov)> wrote:

Hello Jennifer and all,

There are a lot of moving parts affecting how we think about this issue. I think Jennifer has done a good job of capturing all of the different elements. I'd like to propose we simplify the paper but I don't have a good grasp of how this section fits in with all of the other sections of the document to know how best to do so.

Here is an outline of how the rationale is currently written:

1. EPA says OR forest practice rules do not protect Type N streams
2. OR states what regulations they have in place to protect Type N streams
3. EPA/NOAA received comments on draft CZARA decision document
4. Description of EPA's pesticide registration risk assessment process – aerial application 10 ft. vs 70 ft from canopy cover
5. 

## Ex. 5 - Deliberative
- 6.
7. Ongoing federal efforts to protect endangered species
8. Studies on herbicide spray drift – detections occurred, but below thresholds of concern
9. Hwy 36 case study – effects on Type N streams (results?)
10. Hwy 36 exposure investigation – no herbicides found in drinking water samples
11. OR's Water Quality Pesticide Management Plan and ongoing state efforts to adaptively manage detections
12. Original basis for disapproval – inadequate riparian buffers for application of herbicides on non-fish bearing streams (does not say why the buffers are inadequate)
13. OR should develop targeted studies to evaluate effectiveness of BMPs
14. OR should update Pesticide Management Plan to include buffers on Type N streams, application drift control measures, public notification of spraying, etc.

I am not clear what components we absolutely need in this document. Can we cut the summary of public comments received assuming that responses will be in a “response to comment” document? Do we need to summarize the full history of this issue?

To simplify our rationale, I suggest we go with something like this:

1. EPA and NOAA agree that OR's forest practice rules do not protect Type N streams because...
2. OR is doing a lot through its Pesticide Management Plan, but it is not enough because....

## Ex. 5 - Deliberative

4. Unique OR forest landscapes require more protections than FIFRA labels account for. We recommend the state implement additional protections such as....

I'm free to meet this week if anyone want to talk through this rationale.

Gabriela

Gabriela Carvalho

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**From:** Wu, Jennifer

**Sent:** Tuesday, August 12, 2014 12:21 PM

**To:** Henning, Alan; Peterson, Erik; Helder, Dirk; Woodruff, Leigh; Liu, Linda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Carlin, Jayne; Waye, Don; Carvalho, Gabriela

**Cc:** Fleming, Sheila; Allen, Elizabeth

**Subject:** Pls. review: Pesticides draft rationale for OR CZARA

Hi Everyone,

Thanks very much for your comments on the Pesticides Issue Paper. I'm working to incorporate the comments and information I got from people and will be sending this out later this week early next week, FYI. The briefing for management is on August 20.

The attachment above is the draft rationale for the pesticides in forestry issue for OR CZARA. This is probably the most important piece to review, since this is what's published as the basis for our decision on pesticides. It's also the basis for what the issue paper is based on, so collectively describes what we plan to do, what we looked at, and what our determination is. If you're going to look at anything, this is the document to look at! If you can get me comments by Monday, August 18, I'd really appreciate it.

And for what's ahead, I'll be wrapping up response to comments shortly, so that should be the last piece for everyone to review. Let me know if you have questions, and thanks again.

Jenny Wu

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